

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITY OF TEMPE, ARIZONA, a municipal
corporation; JOSEPH LEWIS, an individual,

Plaintiffs,

v.

FEDERAL AVIATION ADMINISTRATION;
MARION C. BLAKEY, Administrator, Federal
Aviation Administration; WILLIAM C.
WITHYCOMBE, Regional Administrator, Federal
Aviation Administration Western Pacific Region;
CITY OF PHOENIX, ARIZONA; SKIP RIMSZA,
Mayor, City of Phoenix; and DOES 1 through 20,
inclusive,

Defendants.

Civ. No: 02-2029 (EGS)

ORDER

This matter is before the Court as motions judge. Upon consideration of Plaintiffs' Application for Preliminary Injunction, the various submissions of the parties, the arguments of counsel at the hearing held on January 3, 2003, and the entire record, it is hereby ORDERED that the application is DENIED as to all defendants. In order to prevail on their application, plaintiffs must demonstrate (1) a substantial likelihood of success on the merits; (2) that they will suffer irreparable harm absent the relief requested; (3) that other parties will not be harmed if the requested relief is granted; and (4) that the public interest supports granting the requested relief. Taylor v. Resolution Trust Corp., 56 F.3d 1497, 1505-06 (D.C. Cir. 1995); Washington Area Metro. Transit Comm'n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977). The Court must "balance the strengths of [plaintiffs'] arguments in each of the four required areas." Cityfed

Fin. Corp. v. Office of Thrift Supervision, 58 F.3d 738, 747 (D.C. Cir. 1995). Here, plaintiffs have neither demonstrated a substantial likelihood of success on the merits nor established that the balance of harms favors granting the injunctive relief they request.

The Court's reasons for denying plaintiffs' request shall be set forth more fully in a Memorandum Opinion to be issued within the next several days.

Dated this 3rd day of January, 2003

/s/ John D. Bates

John D. Bates
United States District Judge

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